

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 2213 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

LEGAL HEIRS AND REPRESENTATIVE OF DECEASED HARIBHAI K VANKAR

Versus

KHIMABHAI KALUBHAI VANKAR

Appearance:

MR. G.H.BHATT, Advocate for Petitioners
SERVED BY DS for Respondent No. 1

CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 08/04/96

ORAL JUDGEMENT

Mr. G.H.Bhatt, learned advocate for the petitioners is absent, when the matter is called out. He was also absent, when the matter was called out in the first session. Mr. Khimabhai Kalubhai Vankar-respondent has appeared as party in person.

Respondent has filed civil suit for partition of the property. He also filed an application to bring the said suit as an indigent person under Order 33 of the

code of Civil Procedure. By the impugned order dt. 29/9/1995, the learned Civil Judge (S.D.), Surendranagar, rejected the said Misc.Civil Application No.21 of 1994 on the ground that earlier identical application made by the respondent bearing Misc. Civil Application No. 54 of 1986 was dismissed for default. Learned Judge, while dismissing the said application to institute the suit as an indigent person, granted time to pay up the court fees till October 13, 1995. The respondent- Khimjibhai Kalabhai Vankar who is personally present in the court, states that the said time was, thereafter, extended by the court by one month and he has paid up the requisite court fees in the month of November, 1995 as per the aforesaid order dt. 29/9/1995. In this view of the matter, the present application, does not survive.

Mr. Gaurang Bhatt is not present to make any submission in support of this civil revision application. Revision application is, therefore, rejected. Rule discharged. Ad-interin stay granted earlier stands vacated. No costs.
